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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,220	04/17/2000	Hiroaki Eto	0941.63938	1623

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EXAMINER

KAPADIA, VARSHA A

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 04/06/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,220

Applicant(s)

ETO, HIROAKI

Examiner

Varsha A Kapadia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This office action is responsive to the amendment filed on January 26, 2004.

Rejection Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 11 and 12 rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al (6,201,655 B1).

Watanabe et al, according to (figs. 1 and 5-9) discloses information storage device comprising all the features as recited in the instant claimed invention as interpreted as follows.

With regards to claim 1, Watanabe et al discloses an information storage device (fig. 1) which stores information in recording area generated by dividing a track, wherein track following information (considered as servo) is configured such that a head follows the track according to the track following information, the storage device comprising: a recording area setting part (formatting, see abstract , col.1 lines 57-63) which divides a storage medium into predetermined recording areas (sector); and an error detecting part (defect is considered as error) which detects an error in the track following information (see fig. 1 disclosure thereof , abstract col.6 lines 35-44); a control part (figs. 1 element 20 and disclosure thereof) which controls the storage device as claimed including the replacement of the erroneous recording areas by performing a slipping process (see col.4 lines 47-67 and col.6 lines 35-67 and col8 lines 27-35) for further details, please refer to the detail description of the drawings.

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With regards to claim 11, Watanabe et al further discloses capability of determining whether the interrupt processing is a track following information error occurs, and if so, defect information is stored in a defect map in a buffer memory (see figs 1, 6-7 disclosure thereof and col. 5 line 34-col.6 line 67) and a recording area setting procedure is set in the buffer memory.

Method claims 6 and 12 is are drawn to the method of using the corresponding apparatus recited in claims 1 and 11. Therefore method claims 6 and 12 correspond to apparatus claims 1 and 11 and are rejected for the same reasons of anticipation as used above.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al in view of Nemazie et al..Pat. No. 6,025,966.

With regards to claims 2-5 and 7-10, Watanabe et al discloses the invention as described above in this office action with respect to claims 1, 6, 11 and 12 but fails to disclose that the defect information that is detected before shipment is stored as a first defect information, and the information detected after the shipment is stored as a second defect information.

Nemazie et al. However discloses a defect management that store the defect information that is detected before shipment as a (primary defect list) first defect information, and the

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information detected after the shipment is stored as a (secondary list) second defect information (see col.3 lines 30-45).

It would have been obvious to one of ordinary skill in the art to further modify the information storage device disclosed by Watanabe et al with the above teachings from Nemazie et al. in order to provide a system that provides a use of the information from the defect information list to manage the defects and avoid writing data to bad or defective sectors and hence to improve the quality and efficiency of the disk drive (see Nemazie et al. col.3 lines 40-45).

Prior Art Cited

Reference to Hicken (5,822,142) cited as of interest.

Response To Remarks

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-4198. The examiner can normally be reached on Mon-Wed from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 746-4959 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



VK
April 1, 2004



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600